



Docket No.: 202182US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/767,885
Applicants: Kimio INOUE
Filing Date: January 24, 2001
For: SCREW SET FOR EXTRUDER
Group Art Unit: 1723
Examiner: SORKIN, D.

SIR:

Attached hereto for filing are the following papers:
**REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF/PETITION
UNDER 37 C.F.R. 1.181**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIMIO INOUE : EXAMINER: SORKIN, D.
SERIAL NO: 09/767,885 :
FILED: JANUARY 24, 2001 : GROUP ART UNIT: 1723
FOR: SCREW SET FOR EXTRUDER :

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF/PETITION
UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant requests that the director exercise his supervisory authority to require the Examiner to withdraw the Notification of Non-Compliant Appeal Brief issued on October 4, 2006.

An Appeal Brief was filed on October 25, 2006, as required for the appeal of the final rejection of claims 10-13, of which claim 10 is the sole dependent claim. The statement of the grounds of rejection to be reviewed on appeal in the Appeal Brief included the sentence that: "the Examiner has therefore relied on the unremarkable fact that the rotor segment 1b has the same shape as itself."

The Notification of Non-Compliant Appeal Brief indicated that the Appeal Brief was defective on two bases:

1. "The summary of claimed subject matter should refer to the independent claim by number." It is respectfully submitted that there is no requirement in 37 C.F.R. §41.37 that the summary of the claimed subject matter must

refer to "the independent claim by number," only that there be a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal." Moreover, since only a single independent claim is being appealed, no such identification of this claim (claim 10) by number is required for clarity. It is therefore respectfully submitted that there is no basis for the alleged non-compliance.

2. "The grounds of rejection to be reviewed should not contain arguments." There is, however, no prohibition in 37 C.F.R. §41.37 against including arguments in the description of the grounds of rejection to be reviewed. In any case, the relevant portion of the Appeal Brief does not include argument, only a statement related to Applicants' understanding of the ground of rejection.

No fee is believed to be required for this petition. However, should any fee in fact be required, the director is authorized to withdraw the required fee from the undersigned attorney's account no. 15-0030.

Respectfully submitted,

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